

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

In re

DEIDRA N. CRUM

Debtor

Case No. 08-14077-MAM-13

MOTION FOR TRUSTEE TO PAY FUNDS TO CLERK

Debtor (which, in the case of joint debtors, means “debtors”) makes the following motion and shows the Court as follows:

1. Debtor filed this case on October 20, 2008. As yet, a plan has not been confirmed.
2. Prior to the commencement of this case, LaSalle Bank conducted a foreclosure sale which debtor contends was invalid because the Bank did not possess the requisite power of sale. This matter is now pending before the Alabama Court of Civil Appeals.
3. Debtor and the Bank entered into an agreement whereby the debtor would make payments to the Clerk of the Court representing payments which would have become due on the mortgage which Bank attempted to foreclose. The agreement was memorialized in an order which the Court entered on January 21, 2009. A copy of the order is attached hereto as Exhibit A. The order calls for a payment of \$8,514.00 due on January 30, 2009 (representing 10 installments due under the mortgage), and for monthly payments of \$851.40 each thereafter.
4. Debtor has been making the payments required by the Court’s order of January 21, 2009 to the Chapter 13 Trustee instead. A copy of debtor’s payment history is attached hereto as Exhibit B.

5. It appears that, except for the payments made on December 9, 2008 and the payment made on March 4, 2009, all payments made to the trustee were supposed to have been paid into the Clerk of Court pursuant to the order dated January 21, 2009. It accordingly appears that the trustee should pay over \$9,561.40 to the Clerk of Court representing sums which the debtor paid to the trustee instead of the Clerk of Court.

WHEREFORE, debtor prays as follows:

A. That the Chapter 13 Trustee will be directed to pay \$9,561.40 of the funds which debtor paid to said Trustee (or such other sum as the Court may direct), to the Clerk of Court, representing monies which the debtor was to have paid to the Clerk of Court pursuant to the order of Court entered in this case on January 21, 2009.

B. And debtor prays for such other relief as is just in the premises.

/s/Theodore L. Hall
THEODORE L. HALL
Attorney for Debtor(s)
2602 Dauphin Street
Mobile, AL 36606
(251) 479-0619

Certificate of Service

I certify that I have this day served a copy of the foregoing motion upon the following named persons at the addresses set out as follows electronically or via U.S. Mail, first class postage prepaid, as appropriate:

Mr. John C. McAleer, III
Standing Chapter 13 Trustee
P. O. Box 1884
Mobile AL 36633

Stephen B. Porterfield, Esq.
Sirote & Permutt, P.C.
P. O. Box 55727
Birmingham AL 35255

This March 10, 2009.

/s/Theodore L. Hall

THEODORE L. HALL

Exhibit

A

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA**

IN RE:

DEIDRA N. CRUM,

Debtor.

Case No. 08-14077

Chapter 13

ORDER

This matter is before the Court upon the Motion for Relief from Stay ("Motion") filed on November 4, 2008, on behalf of LaSalle Bank National Association as Trustee for First Franklin Mortgage Loan Trust 2006-FF18, Mortgage Loan Asset-Backed Certificates, Series 2006-FF18, (hereinafter "LaSalle") regarding real property located at 2861 Charmingdale Drive W., Mobile, Alabama 36618. The Court having been informed that the parties have reached an agreement with respect to the Motion, and for good cause shown, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Motion is conditionally DENIED, subject to the terms of this Order;
2. The Debtor is ordered to pay into the Clerk of this Bankruptcy Court on or before January 30, 2009, the sum of \$8,514.00, which represents the ten (10) regular monthly mortgage payments due since the foreclosure in this case which occurred on April 18, 2008.
3. Beginning with the payment due on February 1, 2009, the Debtor will make all future monthly mortgage payments into the Clerk of this Court on a timely basis;
4. The parties are to inform the Court if there is a resolution of the state court matter that is currently pending before Alabama Court of Civil Appeals, whether by decision or settlement and LaSalle is specifically authorized to proceed with litigating said appeal against the Debtor.
5. If the Debtor fails to make any of the payments directed by this Order on the due date, and fails to cure any payment default within ten (10) days, the automatic stay shall lift without further order of this Court, and LaSalle will be free to enforce any

and all of its rights with respect to the real property at issue in this case, including,
but not limited to, pursuing eviction proceedings against the Debtor.

Dated: January 21, 2009


MARGARET A. MAHONEY
U.S. BANKRUPTCY JUDGE

Exhibit

B

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08-14077-MAM-13	DEIDRA N. CRUM (xxx-xx-2876)	2861 CHARMINGDALE DR. W. ● ● MOBILE ● AL ● 36618	\$195.00 MO	Bar Date(s):	3/6/2009 (has passed) 4/18/2009
				Confirmed:	Not Confirmed
	Trustee: J.C. McAleer	Attorney: THEODORE L. HALL		Case Status:	ACTIVE

Financials

Date	Payee	Payee Name	Source / Check	Description	Receipts	Disbursements
3/4/2009			R201311280214	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$851.40	
2/20/2009			R201373016746	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$195.00	
2/12/2009			16166946892	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$851.40	
2/4/2009			16170023946	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
2/4/2009			16170023935	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
2/4/2009			16170023924	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
2/4/2009			16170023913	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
2/4/2009			16170023957	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
2/4/2009			16166974217	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$169.42	
1/30/2009			16166948848	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$345.09	
1/30/2009			16166948850	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
1/5/2009			16166934595	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$344.09	
1/5/2009			16166934584	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$1,000.00	
12/9/2008			16166915730	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$195.00	
12/9/2008			16166915728	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT	\$195.00	
				Totals:	\$10,146.40	\$0.00